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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,087	12/10/2003	Robert A. Pasquale	09625/000M642-US0	7968
7278	7590	02/02/2006	EXAMINER	
DARBY & DARBY P.C.			KIM, SANG K	
P. O. BOX 5257			ART UNIT	
NEW YORK, NY 10150-5257			PAPER NUMBER	
			3654	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/734,087	PASQUALE, ROBERT A.	
	Examiner	Art Unit	
	SANG KIM	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 23 and 28-34 is/are rejected.
- 7) ☒ Claim(s) 1-21, 24-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 1-34 are objected to because of the following informalities: In claims 1, 22, 23 and 32, the phrase, "A turret-type winder" should be --A turret winder--; In claims 9 and 25, the phrase, "controlled manner" should be --controlled movement--.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "effectively" in claims 22 and 23 is a relative term which renders the claim indefinite. The term "effectively" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. To what degree does the winding roll has to be in order for "effectively" exclude the air prior to forming the roll.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3654

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-23 and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Tetro, U.S. Patent No. 4431140.

With respect to claims 22-23 and 32, Tetro '140 teaches a turret winder (10) to connect webs of supply rolls without interruption of the web flow to the rewind apparatus by using a rotatable turret assembly having first and second winding roll cores (42, 42) positioned in a winding position and a transfer position (see figures 1-9); a pack roll assembly (58, 59) associated with each of the first and second cores (42, 42), the pack assembly includes one pack roll (60-63) that is movable into contact with the respective core with a winding roll (80) thereon to eliminate entrapment of air between the web layers (see abstract); the turret (10) and pack roll assemblies (58, 59) being configured to permit a new winding roll to be rotated to the second location and the first location and vice-versa, wherein each pack roll assembly including the respective pack roll (60-63) and a mechanism (using motors and the pivot shaft, see column 7, lines 40-55) for moving and maintaining the pack roll in contact with the respective one core with the winding roll thereon being independently rotatable relative to the respective one core with the winding roll and relative to the other pack roll assembly, see figures 1-9.

With respect to claims 30 and 33, Tetro '140 teaches the motion of the pack roll (58, 59) relative to the spindle and the pack roll support assembly are independent from the carriage, since the carriage and the core have its own drive feature, see figures 1-9.

Art Unit: 3654

With respect to claims 31 and 34, Tetro '140 teaches the pack roll (58, 59) at a tangential point of entry with respect to the winding roll (42, 42), see figures 1-9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetro, U.S. Patent No. 4431140, in view of Belongia et al., U.S. Patent No. 4971263.

Tetro '140 uses motors and fluid motors to move the packing assemblies.

Belongia '263 teaches a pack roll positioning assembly for controllably driving the carriage (33) along the pack roll support assembly, the pack roll positioning assembly including a drive screw mechanism to move the carriage and communicate with respect to the roll, see figures 1 and 3.

Tetro '140 discloses the claimed invention except for using a drive screw mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to actuate the packing assembly with a drive screw mechanism as taught by Belongia '263, since the selection of the specific drive mechanism claimed would have been obvious to an artisan, based on the typical winding machines, which would have been well within their level of skill.

Allowable Subject Matter

Claim 1 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action and as indicated in the Previous Office Action.

Claims 2-21 and 24-27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 22-23 and 28-34 have been considered but are moot in view of the new ground(s) of rejection.

The added recitation that each pack roll assembly that can independently rotate relative to the respective core with the winding roll and other pack roll assembly necessitated the new grounds of rejection as set forth above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised to check PTO-892 and PTO-1449 for other similar references. U.S. Patent 4422586, 4529141, and 3478975, appear to have each pack roll assembly that can independently rotate relative to the respective core with the winding roll and other pack roll assembly.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3654

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/734,087

Page 7

Art Unit: 3654

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

1/20/06

Kathy Matecki
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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**